

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

HARRY GRAVES

PLAINTIFF

V.

CIVIL ACTION NO. 2:08CV106-SA-DAS

MONSANTO AG PRODUCTS, LLC

DEFENDANT

ORDER

This cause is before the Court on the plaintiffs' Motion to Remand [15]. The Court, having reviewed the motion, the response, the briefs of the parties, the authorities cited and being otherwise fully advised in the premises, finds as follows, to-wit:

That the issues presented by the instant motion are identical to those addressed by Chief Judge Michael P. Mills in his recent opinion in Albert C. Smith Farms v. Monsanto AG Products LLC, Civil Action No. 2:08cv100-MPM-DAS (Nov. 21, 2008). Finding the analysis set forth therein to be both cogent and well-reasoned, the Court hereby adopts the reasoning and analysis of Albert C. Smith Farms as if fully incorporated herein. Inasmuch as this Court lacks subject matter jurisdiction, the case must be remanded to the Circuit Court of Bolivar County.

The defendant has also filed a Motion for Court Approval of the Filing of the Supplemental Declaration and/or the Taking of the Requested Deposition [25]. For the reasons set forth in the Order on Motion for Reconsideration [31] entered by Chief Judge Mills in the above-cited Albert C. Smith Farms case, the Court hereby DENIES that motion. Plaintiff's Motion to Strike the Filing of Supplemental Declaration [24] is DENIED AS MOOT, and Defendant's Motion for Extension of Time [17] is DENIED AS MOOT.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the plaintiffs' Motion to Remand [15] is well-taken and should be, and hereby is, GRANTED. IT IS FURTHER ORDERED that this cause should be, and hereby is, REMANDED to the Circuit Court of Bolivar County, Mississippi.

This court's determination that defendant's principal place of business was in Mississippi as of the filing of this lawsuit dictates that identical motions to remand filed in the following actions pending before this court be granted:

2:08CV117; 2:08CV122; 2:08CV132; 2:08CV140

SO ORDERED, this the 2nd day of December, 2008.

/s/ Sharion Aycock
U.S DISTRICT JUDGE